

Surface Transportation Board, DOT

§ 1133.2

any such petition disclose a need for accelerated action, such action may be taken before expiration of the time allowed for reply. In all other respects, such petitions and replies thereto will be governed by the rules of general applicability of the Rules of Practice.

PART 1133—RECOVERY OF DAMAGES

Sec.

1133.1 Freight bill filing requirement under modified procedure.

1133.2 Statement of claimed damages based on Board findings.

AUTHORITY: 49 U.S.C. 721.

SOURCE: 47 FR 49575, Nov. 1, 1982, unless otherwise noted.

§ 1133.1 Freight bill filing requirement under modified procedure.

If, under modified procedure (for general rules governing modified procedure, see part 1112), an award of damages is sought, complainant should submit the paid freight bills or properly certified copies with its statement when there are not more than 10 shipments; if more than 10 shipments are involved, complainant should retain the documents.

§ 1133.2 Statement of claimed damages based on Board findings.

(a) When the Board finds that damages are due, but that the amount cannot be ascertained upon the record before it, the complainant should immediately prepare a statement showing details of the shipments on which damages are claimed, in accordance with the following form:

Claim of _____ under decision of the Surface Transportation Board in Docket No. _____.

_____.
_____. Date of shipment.
_____. Date of delivery or tender of delivery.
_____. Date charges were paid.
_____. Car (or vessel) initials.
_____. Car (or voyage) number.
_____. Origin.
_____. Destination.
_____. Route.
_____. Commodity.
_____. Weight.
_____. Rate.
_____. Amount.
_____. Rate.

_____. Amount.
_____. Reparation on basis of Board's decision.

Charges paid by.¹

Claimant hereby certifies that this statement includes claims only on shipments covered by the findings in the docket above described and contains no claim for reparation previously filed with the Board by or on behalf of claimant or, so far as claimant knows, by or on behalf of any person, in any other proceedings, except as follows: (Here indicate any exceptions, and explanation thereof).

(Claimant)
By _____
(Practitioner)

(Address)

(Date)

Total amount of reparation \$ _____. The undersigned hereby certifies that this statement has been checked against the records of this company and found correct.

Date _____ Concurred² in: _____ Company
_____. Company, Defendant Collecting Carrier, Defendant³.
By _____, Auditor. By _____, Auditor.

(b) The statement should not include any shipment not covered by the Board's findings, or any shipment on which complaint was not filed with the Board within the statutory period. The filing of a statement will not stop the running of the statute of limitations as to shipments not covered by complaint or supplemental complaint. If the shipments moved over more than one route, a separate statement should be prepared for each route, and separately numbered, except that shipments as to which the collecting carrier is in each instance the same may be listed in a single statement if grouped according to routes. The statement, together with the paid freight bills on the shipments, or true copies thereof, should then be forwarded to the carrier which collected the charges, for verification and certification as to its accuracy. If the statement is not forwarded immediately to the collecting carrier for

¹Here insert name of person paying charges in the first instance, and state whether as consignor, consignee, or in what other capacity.

²For concurring certificate in case collecting carrier is not a defendant.

³If not a defendant, strike out the word "defendant."